

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF TEXAS and JOHN SCOTT,
*in his official capacity as Texas Secretary of
State,*

Defendants.

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EP-21-CV-00299-DCG

ORDER REQUIRING BRIEFING

On December 6, 2021, the United States filed a Complaint (ECF No. 1) challenging two of Texas’s 2021 redistricting plans: its Congressional Plan and House Plan. The United States asserts that these redistricting plans violate Section 2 of the Voting Rights Act, 52 U.S.C. § 10301. On the same day, the United States filed a “Motion to Consolidate” (ECF No. 4), in which the United States seeks consolidation of this case into *LULAC v. Abbott*, No. 3:21-CV-00259. Defendants do not oppose the motion; nor do the plaintiffs in *LULAC* and the consolidated cases.

LULAC is before a three-judge court, which means the United States is asking this Court to consolidate a case that is before a single district judge into a three-judge case. But the record does not reflect any request by the United States for a three-judge court to be convened under 28 U.S.C. § 2284. Furthermore, the United States does not cite any authority that stands for the proposition that a single-judge case may be consolidated into a three-judge case in the absence of a request under 28 U.S.C. § 2284.

Accordingly, **IT IS ORDERED** that the United States **SHALL FILE**, by **December 8, 2021**, a brief that addresses the issues identified in this Order.

IT IS FURTHER ORDERED that Defendants **MAY FILE** a response to the brief filed by the United States pursuant to this Order **not later than two (2) days** after the United States serves its briefing on Defendants.

So ORDERED and SIGNED this 6th day of December 2021.

A handwritten signature in black ink, appearing to read "David C. Guaderrama", written over a horizontal line.

DAVID C. GUADERRAMA
UNITED STATES DISTRICT JUDGE